In response, it is respectfully submitted that Assar et al. does disclose another way to continue to use the blocks for reading and writing. On page 11, lines 21-27, Assar et al. discloses:

"...a clean-out erase can be performed in the event that there is insufficient available storage for a data file presently being performed. For example, if all but two blocks have their respective erase inhibit flags set, and a three or more block data file is being programmed, a clean–out erase can be performed to provide sufficient storage for the data file."

Based on the above disclosure, it is evident that Assar et al. does teach another way continue to use the blocks for reading and writing. Thus, the presently recited "limit value is increased when the majority of the counters of the blocks from said variety exceed the limit value" and "control means are arranged for increasing the limit value when the majority of the counters of the blocks from said variety exceed the limit value" cannot be considered inherent in view of Assar et al. Therefore, it is respectfully submitted that these features are not anticipated by Assar et al.

In view of the above-described distinctions, it is respectfully submitted that the invention of claims 1-3, 5-9 and 1-13 is not by Assar et al.

Therefore, it is respectfully requested that the above rejection be reconsidered and

withdrawn so that the present application may proceed to issue.

Respectfully submitted,

Russell Gross
Registration No. 40,007

Date: 3/10/03

By: Steve Cha
Attorney for Applicant
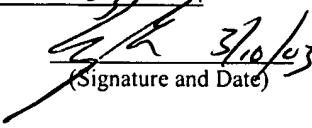Registration No. 44,069

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APPENDIX

In the specification:

On page 1, after the first paragraph, insert:

Background of the invention

On page 2, after the first paragraph, insert:

Summary of the Invention

On page 4, after the sixth paragraph, insert:

Brief Description of the Drawings

On page 4, after the tenth paragraph, insert:

Detailed Description

In the claims:

1. (AMENDED) A method of data management on a storage medium (10), the storage medium (10) comprising a variety of blocks (21) in which data can be stored, a first block (22) from said variety of blocks (21) being selected to execute a mutation on, characterized by determining whether the wear level of the first block (22) is acceptable for executing the mutation, and if so, executing the mutation on the first block (22), and otherwise

- choosing from said variety a second block (23) with a lower wear level than the first block (22), and

- copying the data of the second block (23) to the first block (22),

wherein the limit value is increased when the majority of the counters of the blocks from said variety exceed the limit value.

7. (AMENDED) A system for data management on a storage medium (10), the storage medium (10) comprising a variety of blocks in which data can be stored, the system being arranged for selecting a first block (22) from said variety of blocks (21) to execute a mutation on, characterized by control means (26) for determining whether the wear level of the first block (22) is acceptable for executing the mutation, and if so, executing the mutation on the first block (22), and for otherwise

- choosing from said variety a second block (23) with a lower wear level than the first block (22), and

- copying the data of the second block (23) to the first block (22),

wherein the control means (26) are arranged for increasing the limit value when the majority of the counters of the blocks from said variety exceed the limit value.